

RESOLUTION NO. OB-12-06

RESOLUTION OF THE OVERSIGHT BOARD OF IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY APPROVING THE ADMINISTRATIVE BUDGET FOR THE PERIOD JULY 1, 2012 TO DECEMBER 31, 2012 AND RELATED ACTIONS

WHEREAS, the Imperial Beach Redevelopment Agency ("Redevelopment Agency") was a redevelopment agency in the City of Imperial Beach ("City"), duly created pursuant to the California Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the California Health and Safety Code) ("Redevelopment Law"); and

WHEREAS, the City Council has adopted redevelopment plans for Imperial Beach's redevelopment project areas, and from time to time, the City Council has amended such redevelopment plans; and

WHEREAS, the Redevelopment Agency was responsible for the administration of redevelopment activities within the City; and

WHEREAS, AB x1 26 ("AB 26") and AB x1 27 ("AB 27") were signed by the Governor of California on June 28, 2011, making certain changes to the Redevelopment Law, including adding Part 1.8 (commencing with Section 34161) and Part 1.85 (commencing with Section 34170) ("Part 1.85") to Division 24 of the California Health and Safety Code ("Health and Safety Code"); and

WHEREAS, the California Redevelopment Association and League of California Cities filed a lawsuit in the Supreme Court of California (*California Redevelopment Association, et al. v. Matosantos, et al.*, Case No. S194861) alleging that AB 26 and AB 27 were unconstitutional; and

WHEREAS, on December 29, 2011, the Supreme Court issued its opinion in the *Matosantos* case largely upholding as constitutional AB 26, invalidating as unconstitutional AB 27, and holding that AB 26 may be severed from AB 27 and enforced independently; and

WHEREAS, the Supreme Court generally reformed and revised the effective dates and deadlines for performance of obligations under Health and Safety Code Part 1.85 of AB 26 arising before May 1, 2012 to take effect four months later, while leaving the effective dates or deadlines for performance of obligations under Health and Safety Code Part 1.8 of AB 26 unchanged; and

WHEREAS, as a result of the Supreme Court's decision, and on February 1, 2012, all California redevelopment agencies were dissolved, successor agencies were established as successor agencies to the former redevelopment agencies pursuant to Health and Safety Code Section 34173, and successor agencies are tasked with paying, performing and enforcing the enforceable obligations of the former redevelopment agencies and winding down the affairs of the former redevelopment agencies; and

WHEREAS, the City Council of the City adopted Resolution No. 2012-7136 on January 5, 2012, pursuant to Part 1.85, electing for the City to serve as the successor agency to the Redevelopment Agency upon the dissolution of the Redevelopment Agency under AB 26 ("Successor Agency"); and

WHEREAS, Section 34179 of AB 26 establishes a seven (7) member local entity with respect to each successor agency and such entity is titled the "oversight board." The oversight board has been established for the Successor Agency (hereinafter referred to as the "Oversight Board") and all seven (7) members have been appointed to the Oversight Board pursuant to

Section 34179. The duties and responsibilities of the Oversight Board are set forth in Sections 34179 through 34181 of AB 26; and

WHEREAS, Section 34177(j) of AB X1 26 ("AB 26") requires the Successor Agency to prepare an administrative budget for each six-month fiscal period and submit the administrative budget to the Oversight Board for approval. The administrative budget shall include all of the following: (i) estimated amounts for Successor Agency administrative costs for the upcoming six-month fiscal period; (ii) proposed sources of payment for Successor Agency administrative costs; and (iii) proposals for arrangements for administrative and operations services provided by the City or other entity; and

WHEREAS, Section 34177(k) of AB 26 requires the Successor Agency to provide to the San Diego County Auditor-Controller for each six-month fiscal period the administrative cost estimates from its approved administrative budget that are to be paid from property tax revenues (i.e. former tax increment revenues) deposited in the County's Redevelopment Property Tax Trust Fund established for the Successor Agency; and

WHEREAS, staff of the Successor Agency seeks the Oversight Board's approval of the administrative budget for the period of July 1, 2012 through December 31, 2012 ("Administrative Budget"), in the form attached to this Resolution as Exhibit "A", which has already been approved by the Successor Agency Board on June 6, 2012 and the Oversight Board's authorization to forward the information required by Section 34177(k) to the San Diego County Auditor-Controller; and

WHEREAS, this Resolution has been reviewed with respect to applicability of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq.*, hereafter the "Guidelines"), and the City's environmental guidelines; and

WHEREAS, this Resolution is not a "project" for purposes of CEQA, as that term is defined by Guidelines section 15378, because this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per section 15378(b)(5) of the Guidelines; and

WHEREAS, all of the prerequisites with respect to the approval of this Resolution have been met.

NOW, THEREFORE, BE IT RESOLVED by the Oversight Board of the Imperial Beach Redevelopment Agency Successor Agency, as follows:

- Section 1.** The foregoing recitals are true and correct and are a substantive part of this Resolution.
- Section 2.** The adoption of this Resolution is not intended to and shall not constitute a waiver by the Successor Agency of any rights the Successor Agency may have to challenge the effectiveness and/or legality of all or any portion of AB 26 through administrative or judicial proceedings.
- Section 3.** The Successor Agency's Administrative Budget for the period of July 1, 2012 through December 31, 2012, which is attached hereto as Exhibit "A",

is approved and adopted.

Section 4. The Executive Director, or designee, is hereby authorized and directed to:
i) submit to the San Diego County Auditor-Controller the administrative cost estimates from the Administrative Budget that are to be paid from property tax revenues deposited in the County's Redevelopment Property Tax Trust Fund established for the Successor Agency; and (ii) take such other actions and execute such other documents as are necessary to effectuate the intent of this Resolution on behalf of the Successor Agency.

Section 5. The Oversight Board determines that this Resolution is not a "project" for purposes of CEQA, as that term is defined by Guidelines section 15378, because this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per section 15378(b)(5) of the Guidelines.

Section 6. This Resolution shall take effect upon the date of its adoption.

PASSED, APPROVED, AND ADOPTED by the Oversight Board of the Imperial Beach Redevelopment Agency Successor Agency at its meeting held on the 13th day of June 2012, by the following vote:

AYES: BOARDMEMBERS: FOLTZ, GOODWIN, WINTER, FERNANDEZ, SAADAT, WEST
NOES: BOARDMEMBERS: NONE
ABSENT: BOARDMEMBERS: HENTSCHE

/s/
MAYDA C. WINTER
CHAIRPERSON

ATTEST:

/s/
JACQUELINE M. HALD, MMC
SECRETARY

EXHIBIT "A"

**IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY
ADMINISTRATIVE BUDGET
FOR THE PERIOD OF JULY 1, 2012 THOUGH DECEMBER 31, 2012**

(See Attachment)

Position Title	Salary	Total Labor Cost	% Time Working on SA	Monthly SA Cost
ADMINISTRATIVE SECRETARY II	\$3,802	\$5,498	30%	\$1,649
	\$3,752	\$5,499	25%	\$1,375
ASST CM/COMM DEV DIRECTOR	\$10,846	\$14,645	75%	\$10,984
CITY CLERK	\$9,110	\$12,328	50%	\$6,164
CITY MANAGER	\$12,733	\$17,023	70%	\$11,916
CLERK TYPIST	\$2,803	\$4,309	50%	\$2,154
FINANCE DIRECTOR	\$9,649	\$13,230	90%	\$11,907
FINANCE SUPERVISOR	\$5,897	\$8,256	50%	\$4,128
PUBLIC WORKS DIRECTOR	\$9,649	\$12,396	20%	\$2,479
REDEVELOPMENT COORDINATOR	\$6,783	\$9,459	25%	\$2,365
SENIOR ACCOUNT TECHNICIAN	\$3,149	\$4,645	20%	\$929
Total Labor Cost	\$78,172	\$107,289		\$56,051
	Total for 6 Month Period			\$335,637
SA General Attorney				\$40,000
SA RDA Attorney				\$40,000
				\$415,637
Source of Funding:				
Property Tax formerly tax increment funds				\$415,637